



WAUKESHA COUNTY BOARD MINUTES

13th Meeting, 175th Year of the Waukesha County Board of Supervisors
Tuesday, March 23, 2021 – 7:00 p.m.
Waukesha County Courthouse – Room 350

CONVENE MEETING

Call to Order: Chairman Decker called the meeting to order at 7:00 p.m. and led the Board in the Pledge of Allegiance and a moment of silent prayer.

Roll Call: Supervisors Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson were present. Supervisor Whittow was absent.

Public Comment: Chairman Decker announced that six community members had registered to speak and that speakers would be allowed up to three (3) minutes for comments.

Warren Mundschau spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

Bill Zach spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

Terry Booth spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

Matt Foltz spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

Marlo Foltz spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

Mark Ridgman spoke in favor of the adoption of the drafted amendment to the School Section Lake Dam Ordinance

County Clerk Correspondence & Announcements: County Clerk Wartman announced that County Executive Farrow signed all adopted ordinances from February 23, 2021 Board meeting and that nine claims had been filed since the February 23, 2021 Board meeting.

Approval of the minutes: Supervisor Wolff moved approval of the February 23, 2021 Board meeting. Supervisor Morris seconded the motion. The Board was polled and the motion carried by a unanimous voice vote.

Announcements of Votes Needed: Chairman Decker announced that Ordinances 175-O-087, 175-O-092, 175-O-093, and 175-O-095 required seventeen (17) votes. All other votes required a simple majority.

SCHEDULED ITEM

Motion to Reconsider Ordinance 175-O-073: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of Sections 7, 8, 17 And 18, Town Of Ottawa, Waukesha County, Wisconsin To Apply A C-1 Conservancy Overlay District Designation To Lands Within The School Section Lake Dam Failure Floodplain.

Supervisor Dondlinger moved to Reconsider Ordinance 175-O-073: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of Sections 7, 8, 17 And 18, Town Of Ottawa, Waukesha County, Wisconsin To Apply A C-1 Conservancy Overlay District Designation To Lands Within The School Section Lake Dam Failure Floodplain. Supervisor Mitchell seconded the motion. The Board was polled and twenty-three (23) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson) and one (1) vote was cast 'nay' (Cummings). The Motion to Reconsider Ordinance 175-O-073 was passed. The Board returned to consideration of the original ordinance from the February 23, 2021 Board meeting.

Ordinance 175-O-073: *(From the minutes of the February 23, 2021 Board meeting: Supervisor Mitchell moved to approve Ordinance 175-O-073: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of Sections 7, 8, 17 And 18, Town Of Ottawa, Waukesha County, Wisconsin To Apply A C-1 Conservancy Overlay District Designation To Lands Within The School Section Lake Dam Failure Floodplain. Supervisor Paulson seconded the motion. Ordinance requires affirmative votes by three-quarters (3/4) of members present to pass).* After voting to reconsider, the motion to Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of Sections 7, 8, 17 And 18, Town Of Ottawa, Waukesha County, Wisconsin To Apply A C-1 Conservancy Overlay District Designation To Lands Within The School Section Lake Dam Failure Floodplain was put before the Board. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The amended Ordinance passed unanimously.

Supervisor Mommaerts moved to approve Amendment A, referencing Amendment A language that was placed at Supervisors desks prior to the Board meeting. Supervisor Hammitt seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson,

Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The amended Amendment A passed unanimously.

Supervisor Dondlinger moved to amend Amendment A by adding back the struck 'is permitted' language in line 35 of the amendment. Supervisor Johnson seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The amendment to Amendment A passed unanimously.

Supervisor Heinrich requested Privilege of the Floor to allow Dale Shaver, Waukesha County Department of Parks & Land Use Director, the opportunity to speak. Supervisor Cummings raised an objection. Supervisor Heinrich moved to allow Director Shaver Privilege of the Floor. Supervisor Wolff seconded the motion. The Board was polled and nineteen (19) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mitchell, Crowley, Paulson, Nelson, Schellinger, Gaughan, Wysocki, and Hammitt), five (5) votes were cast 'nay' (Morris, Dondlinger, Mommaerts, Cummings, and Johnson). The motion carried. Director Shaver was granted Privilege of the Floor and made a brief presentation. The Board then returned to acting on Ordinance 175-O-073.

STANDING COMMITTEE PRESENTATIONS OF ORDINANCES, RESOLUTIONS & MOTIONS

Land Use, Parks and Environment Committee

Ordinance 175-O-085: Amend The District Zoning Map Of The Town Of Delafield Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 30, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The A-2 Rural Home District.

Supervisor Mitchell moved to approve Ordinance 175-O-085: Amend The District Zoning Map Of The Town Of Delafield Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 30, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The A-2 Rural Home District. Supervisor Wolff seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-086: Authorize Department Of Parks And Land Use To Apply For And Accept Funding From The State Of Wisconsin DNR's Boating And Fishing State And Federal Grant Program For The Pewaukee Boat Launch Reconstruction Project.

Supervisor Mitchell moved to approve Ordinance 175-O-086: Authorize Department Of Parks And Land Use To Apply For And Accept Funding From The State Of Wisconsin DNR's Boating And Fishing State And Federal Grant Program For The Pewaukee Boat Launch Reconstruction Project. Supervisor Morris seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-087: Modify The 2021 Community Development Fund Budget To Accept Additional Home Investment Partnership (HOME) Program Funds, Community Development Block Grant (CDBG) Program Funds, Home Program Income Funds, And Carryover Budget Authority From 2020 To 2021.

Supervisor Mitchell moved to approve Ordinance 175-O-087: Modify The 2021 Community Development Fund Budget To Accept Additional Home Investment Partnership (HOME) Program Funds, Community Development Block Grant (CDBG) Program Funds, Home Program Income Funds, And Carryover Budget Authority From 2020 To 2021. Supervisor Howard seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Public Works Committee

Ordinance 175-O-088: Approve New Parking Regulation For County Trunk Highway ES (Main Street) In The Village Of Mukwonago

Supervisor Swan moved approval of Ordinance 175-O-088: Approve New Parking Regulation For County Trunk Highway ES (Main Street) In The Village Of Mukwonago. Supervisor Johnson seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-089: Approve New Parking Regulation For County Trunk Highway ES (Fox Street) In The Village Of Mukwonago

Supervisor Swan moved approval of Ordinance 175-O-089: Approve New Parking Regulation For County Trunk Highway ES (Fox Street) In The Village Of Mukwonago. Supervisor Johnson seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-090: Approve New Parking Regulation For County Trunk Highway B (Valley Road) In The City Of Oconomowoc

Supervisor Swan moved approval of Ordinance 175-O-090: Approve New Parking Regulation For County Trunk Highway B (Valley Road) In The City Of Oconomowoc. Supervisor Zimmermann seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-091: Sale Of Excess Right-Of-Way At CTH ES And CTH Y In The City Of New Berlin

Supervisor Swan moved approval of Ordinance 175-O-091: Sale Of Excess Right-Of-Way At CTH ES And CTH Y In The City Of New Berlin. Supervisor Wysocki seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-092: Modify The 2021 Department Of Public Works, Airport Operations Fund Budget To Purchase A Replacement Generator

Supervisor Swan moved approval of Ordinance 175-O-092: Modify The 2021 Department Of Public Works, Airport Operations Fund Budget To Purchase A Replacement Generator. Supervisor Crowley seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Executive Committee

Appointment 175-A-039: Bill Groskopf to the Park & Planning Commission

Appointment 175-A-040: Eric Holmes to the Veteran's Service Commission

Appointment 175-A-041: Terry Janssen to the Southeast Wisconsin Professional Baseball Park District

Supervisor Heinrich moved approval of Appointments 175-A-039, 175-A-040, and 175-A-041 as presented. Supervisor Wolff seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Appointments were confirmed unanimously.

Ordinance 175-O-093: Modify 2020 Capital Budget To Increase Construction Expenditures For Capital Project #201004: CTH ES, Fox River Bridge

Supervisor Heinrich moved approval of Ordinance 175-O-093: Modify 2020 Capital Budget To Increase Construction Expenditures For Capital Project #201004: CTH ES, Fox River Bridge.

Supervisor Paulson seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Judiciary & Law Enforcement Committee

Ordinance 175-O-094: 5th Amendment To Lease Agreement With New Cingular Wireless At The Health And Human Services Smokestack

Supervisor Wolff moved approval of Ordinance 175-O-094: 5th Amendment To Lease Agreement With New Cingular Wireless At The Health And Human Services Smokestack. Supervisor Walz seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Health and Human Services Committee

Ordinance 175-O-095: Modify The Department Of Health And Human Services 2021 Budget To Accept The Urban Rural Women's Substance Use Services Grant Funding And Appropriate Additional Expenditures And Create 2.0 FTE Sunset Positions To Be Funded Under This Grant

Supervisor Dondlinger moved approval of Ordinance 175-O-095: Modify The Department Of Health And Human Services 2021 Budget To Accept The Urban Rural Women's Substance Use Services Grant Funding And Appropriate Additional Expenditures And Create 2.0 FTE Sunset Positions To Be Funded Under This Grant. Supervisor Cummings seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

CLOSED SESSION

Motion to convene in closed session pursuant to Section 19.85(1)(g), Wisconsin Statutes, to confer with staff and Corporation Counsel who is rendering oral advice concerning strategy to be adopted with respect to two pending litigation cases: Allen Olson v. County of Waukesha; and Jon M. Sodemann and Karen A. Klein-Sodemann v. Waukesha County, Waukesha County Circuit Court Case Number 2018-CV-141.

Supervisor Hammitt moved to convene in closed session. Supervisor Swan seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The motion passed unanimously.

OPEN SESSION

Immediately following closed session, Supervisor Hammitt moved to return to open session to consider two ordinances. Supervisor Morris seconded the motion. By voice vote the Board unanimously approved to reconvene in open session.

Ordinance 175-O-096: Approve Full And Final Compromise Agreement For Worker's Compensation Case Entitled Allen Olson Vs. County Of Waukesha

Supervisor Heinrich moved approval of Ordinance 175-O-096: Approve Full And Final Compromise Agreement For Worker's Compensation Case Entitled Allen Olson Vs. County Of Waukesha. Supervisor Walz seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

Ordinance 175-O-097: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of Jon M. Sodemann And Karen A. Klein-Sodemann v. Waukesha County, Case Number 2018-CV-141

Supervisor Swan moved approval of Ordinance 175-O-097: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of Jon M. Sodemann And Karen A. Klein-Sodemann v. Waukesha County, Case Number 2018-CV-141. Supervisor Wysocki seconded the motion. The Board was polled and twenty-four (24) votes were cast 'aye' (Foti, Zimmermann, Morris, Batzko, Dondlinger, Walz, LaFontain, Michalski, Heinrich, Swan, Howard, Wolff, Decker, Mommaerts, Mitchell, Crowley, Paulson, Nelson, Cummings, Schellinger, Gaughan, Wysocki, Hammitt, and Johnson). The Ordinance passed unanimously.

ADJOURN MEETING

Supervisor Wolff moved to adjourn to Tuesday, April 27, 2021 at 7:00 p.m. or at the call of the County Board Chair. Supervisor Dondlinger seconded the motion. By voice vote the Board unanimously approved the motion to adjourn. The Board adjourned the meeting at 8:54 p.m.

Respectfully submitted,



Meg Wartman
Waukesha County Clerk